

REMARKS

Claims 124-129 are pending in this application. Claims 1-123 have been canceled without prejudice or disclaimer in the Preliminary Amendment filed January 2, 2004. Claims 125-129 have been withdrawn from consideration in the Office Action mailed June 23, 2006, as not reading on the elected species. Applicants appreciate the previous acknowledgement that the elected species is allowable.

Claim 124 has been amended to delete "hydrogen" as a possible substituent in the definition of R³ in the claimed chiral amino alcohols.

The Rejection of Claim 124 under 35 U.S.C. § 102(b)

Claim 124 has been rejected under 35 U.S.C. § 102(b) as anticipated by Raddatz *et al.* (Abstract of DE 3635907 A1; "Raddatz"). Applicants respectfully traverse this rejection insofar as it applies to claim 124 as now amended.

Raddatz does not disclose any compound within the scope of amended claim 124. The structures cited in the Office Action bear a hydrogen radical at the position most closely corresponding to R³, as is necessary to achieve the right hand amino (–NH₂) group. To advance prosecution, claim 124 has been amended to exclude hydrogen as a possibility for R³.

For at least this reason, the pending claims do not read on any compound disclosed in Raddatz. Reconsideration and withdrawal of the rejection are respectfully requested.

Rejoinder of Claims 125-129 (M.P.E.P. § 821.04)

Claims 125-129, by virtue of their dependency on claim 124, are of the same scope and therefore comply with the requirements under M.P.E.P. § 821.04(a) for rejoinder. Upon a finding that elected claim 124 is allowable, the non-elected claims 125-129 must be rejoined. See M.P.E.P. § 821.04(a).

Applicants therefore respectfully request, upon a finding that elected claim 124 is allowable, rejoinder of non-elected claims 125-129.

CONCLUSION

In view of the above amendments and remarks, pending claims 124-129 of this application are believed to be in condition for allowance. Acknowledgement of the same is respectfully requested.

This response is believed to completely address all of the substantive issues raised in the Office Action dated August 14, 2007.

Respectfully submitted,
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Date: November 14, 2007

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